

## Charter School Authorizers

Charter school authorizers (also called “sponsors” in some states) are those entities—including local school districts, state boards and departments of education, other independent state agencies, universities, and municipalities—that are responsible for the public accountability of individual charter schools. Over the last decade, as educators’ experience with charters has grown, the role of charter school authorizers has drawn increased attention and grown in its own right. This *Policy Update* reviews the key responsibilities of charter authorizers, as well as identifying some of the new roles these entities are playing in both the state and local arenas.

### Authorizer Responsibilities

Authorizers are charged with ensuring that charter schools 1) fulfill their public responsibilities, including open and nonselective enrollment, responsible use of public funds, compliance with civil rights and other applicable laws, and academic fulfillment of federal and state requirements; and 2) meet any additional terms of their performance contracts. Public oversight of charter schools includes the following basic authorizer functions:<sup>1</sup>

**Application Decisionmaking**, requiring the authorizer to develop and implement a process by which to advertise, collect, evaluate, and approve or reject proposals to develop and operate charter schools.

**Managing the Charter Contract** by deciding how it will be developed and used, its contents, how and when it might be amended, and which deviations from the contract require authorizer action. Authorizers also need to decide how high to set the bar for charter renewal, and where to set the “floor” for revocation.

**Ongoing Oversight, Evaluation, and Intervention**, while remaining mindful of the balance between compliance requirements and school autonomy. This balancing applies to development of compliance requirements, gathering of information relevant to those requirements, and corrective action, as appropriate, when the school is not meeting requirements.

**Renewal and Revocation Decisionmaking**, including making the “life or death” decision of whether to revoke a charter during its term or not to renew a charter at the end of the term. To develop a reliable, objective answer to this question requires substantial planning from the time the charter is approved and ongoing collection of relevant information on which to base the decision.

### Authorizer Opportunities

Research and experience are beginning to show state and district authorizers that they can serve needs through chartering that are not being fulfilled through traditional public schools, including:

**Enhancing Educational Effectiveness:** There is a growing body of evidence indicating that students in charter schools, on the whole, are performing as well as students in traditional public schools and may be making learning gains at a faster rate than their traditional counterparts. In particular, charter schools may be more successful in helping underperforming students make up lost ground.

**Enhancing Economic Efficiency:** It is well documented that charter schools typically operate on fewer public dollars than traditional public schools. This difference is primarily due to little or no public funding for charter school facilities. In addition, charters demand a much less robust “central office” than do traditional public schools because they place virtually all decisionmaking authority at the school level.

**Serving As No Child Left Behind Interventions:** NCLB requires that students at schools that miss their adequate yearly progress targets for two or more consecutive years must have the opportunity to transfer to higher-performing schools. With districts required to make options available for students at underperforming schools, high-performing charters, both existing and new, can be among the options. In addition, chronically underperforming schools are subject to restructuring, which can include conversion to charter status. School district authorizers should be prepared to carry out such charter conversions effectively in order to fulfill NCLB accountability requirements.

<sup>1</sup> Adapted from a draft of *Critical Design Issues for Charter School Authorizers* (National Association of Charter School Authorizers, Feb. 2, 2003).

## Authorizer Action

During the infancy of the charter movement, authorizers were not recognized as catalysts for charter school development, and were instead considered passive in the charter development process. Today, however, many charter school observers believe that authorizers have a responsibility to take a more active approach to their chartering as a vehicle for public school improvement. This is especially true of school system authorizers, like local and state school boards, that are well positioned to identify the needs of the school communities they oversee, and to use chartering as a tool to address those needs.

The active authorizer takes on greater responsibility and a greater investment in charter schools to foster attainment of identified educational ends. There are a number of ways in which authorizers can assume this role to benefit and enrich public education as a whole. Following are ways that school system authorizers can begin to take a more active approach to authorizing:

- ★ Identify School System Needs;
- ★ Solicit development of effective school models;
- ★ Issue Requests for Proposals;
- ★ Provide guidance or “technical assistance” beginning with the application process; and
- ★ Provide Facility Acquisition and Financing Information and Guidance.

## Issues to Consider

**Are authorizers in your state effective?** A growing concern surrounding the charter school movement is whether or not charter school authorizers are effective in their duties of overseeing and, when necessary, shutting down charter schools that are not performing adequately. While controversy over this issue continues, a Public Impact study released in February 2004 supports the conclusion that authorizers have proven willing to close under-performing charter schools. According to the study, 84 percent of charter schools were renewed in fall 2001, with 16 percent of the schools closed by authorizers.

A review of the authorizers decisions in the study determined them to be “correct,” though researchers also said that many authorizers lacked one or more of the basic systems needed to make merit-based decisions, including clear, agreed-upon expectations, information gathering capabilities, and comparisons of evidence and expectations.

**Who are the authorizers in your state, and is that system working?** School districts are by far the most numerous authorizers, but many states have given chartering authority to other entities, including state boards or departments of education (AK, AZ, CA, CT, DE, MA, MN, NJ, NH, and NC),

special purpose state agencies (AZ, ID, DC), municipal entities (IN and WI), colleges and universities (MI, MN, NY, NC, OH, and WI), and private nonprofit organizations meeting certain criteria (MN and OH).

The Public Impact study found that certain characteristics of authorizers predicted whether they would be successful at establishing clear expectations, gathering sufficient data, and making merit-based decisions. The researchers determined that the authorizers most likely to carry out these practices were:

- ★ University and state education agency authorizers (rather than local school board authorizers);
- ★ Authorizers that had made a relatively high volume of high-stakes decisions prior to making the decision in question in the case; and
- ★ Authorizers with a larger number of staff members devoted to charter school oversight.

Researchers on the Public Impact study developed three recommendations for state policymakers who oversee charter school authorizers:

- ★ Empower entities other than or in addition to local school boards to issue charters, especially those likely to issue enough charters to develop the systems and experience needed to carry out these obligations responsibly;
- ★ Establish funding systems that provide authorizers with adequate resources to carry out their responsibilities; and
- ★ Seek ways to hold authorizers accountable, primarily through making their activities transparent to the public.

**Uniform Standards.** The National Association of Charter School Authorizers has recognized a need for a set of “commonly recognizable charter school authorizer responsibilities.” To that end, the organization is in the draft stage of *Principles and Standards for Quality Charter School Authorizing*, a report that will provide guidelines for authorizer responsibilities, principles for the role of quality authorizers, and practices that help fulfill the promises of the charter school system.

## Sources

*High Stakes: Findings from a National Study of Life-or-Death Decisions by Charter Authorizers.* Bryan C. Hassel and Meagan Batdorff. Public Impact, February 2004. Online at [blueweb.qblue.com/publicimpact/high-stakes/highstakes.pdf](http://blueweb.qblue.com/publicimpact/high-stakes/highstakes.pdf)

National Association of Charter School Authorizers, online at [www.charterauthorizers.org/site/nacsa/](http://www.charterauthorizers.org/site/nacsa/).

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